

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO**

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THE WESTERN & SOUTHERN LIFE	:	
INSURANCE COMPANY; WESTERN-	:	
SOUTHERN LIFE ASSURANCE	:	
COMPANY; COLUMBUS LIFE	:	
INSURANCE COMPANY; INTEGRITY	:	
LIFE INSURANCE COMPANY; NATIONAL	:	
INTEGRITY LIFE INSURANCE	:	
COMPANY; and FORT WASHINGTON	:	
INVESTMENT ADVISORS, INC. ON	:	
BEHALF OF FORT WASHINGTON	:	Case No. 1:11-CV-576
ACTIVE FIXED INCOME LLC,	:	Judge S. Arthur Spiegel
	:	
Plaintiffs,	:	
	:	
- against -	:	
	:	
MORGAN STANLEY MORTGAGE	:	
CAPITAL INC.; MORGAN STANLEY	:	
CAPITAL I INC.; MORGAN STANLEY &	:	
CO. INCORPORATED; INDYMAC MBS,	:	
INC.; and MERRILL LYNCH, PIERCE,	:	
FENNER & SMITH INCORPORATED,	:	
	:	
Defendants.	:	
	:	
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**THE MORGAN STANLEY DEFENDANTS' UNOPPOSED MOTION FOR A
STAY OF THEIR DEADLINE TO RESPOND TO THE COMPLAINT**

Pursuant to Federal Rule of Civil Procedure 6(b) and Local Civil Rule 6.1(a), defendants Morgan Stanley Mortgage Capital Inc., Morgan Stanley Capital I Inc., and Morgan Stanley & Co. Incorporated (the “Morgan Stanley Defendants”) hereby move, without opposition and in the interest of judicial economy, for a stay of their deadline to answer, move to dismiss, or otherwise respond to the complaint. In support of this unopposed motion, the Morgan Stanley Defendants state as follows:

1. On August 26, 2011, plaintiffs moved to remand this action to the Court of Common Pleas of Hamilton County. Briefing related to plaintiffs' motion to remand is presently ongoing.

2. On August 29, 2011, plaintiffs and the Morgan Stanley Defendants entered into a joint stipulation pursuant to Local Civil Rule 6.1(a) extending the deadline for the Morgan Stanley Defendants to answer, move to dismiss, or otherwise respond to the complaint to September 19, 2011.

3. Pending the Court's approval, plaintiffs and the Morgan Stanley Defendants have agreed to stay the Morgan Stanley Defendants' deadline to answer, move to dismiss, or otherwise respond to the complaint until after the Court's resolution of plaintiffs' motion to remand. Immediately upon the Court's resolution of the motion to remand, plaintiffs and the Morgan Stanley Defendants will meet and confer regarding a schedule for the Morgan Stanley Defendants to respond to the complaint.

WHEREFORE, the Morgan Stanley Defendants respectfully request that the Court grant this unopposed motion for a stay of their deadline to answer, move to dismiss, or otherwise respond to the complaint.

Dated: September 14, 2011

Respectfully submitted,

/s/ Christopher D. Cathey

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